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Human Rights Council
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Agenda item 10
Technical assistance and capacity-building

Algeria (on behalf of the Group of African States), Belgium,* Denmark:* draft resolution

30/... Technical assistance and capacity-building for human rights in the Democratic Republic of the Congo

The Human Rights Council,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights and to discharge their obligations under the international covenants on human rights and other relevant instruments to which they are parties,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Council resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and S-8/1 of 1 December 2008,

Recalling further Council resolutions 10/33 of 27 March 2009, 13/22 of 26 March 2010, 16/35 of 25 March 2011, 19/27 of 23 March 2012, 24/27 of 27 September 2013 and 27/27 of 26 September 2014, in which the Council called upon the international community to support the national efforts of the Democratic Republic of the Congo and its institutions with a view to improving the human rights situation and to respond to its requests for technical assistance,

Taking note of the reports of the United Nations High Commissioner for Human Rights submitted in accordance with resolution 27/27 of 26 September concerning, respectively, the human rights situation and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo during the period from June 2014 to May 2015,[1] and the impact of technical assistance and capacity-building on the human rights situation in that country during the period from 2008 to 2014,[2]

Acknowledging the joint role played by the United Nations High Commissioner for Human Rights in the Democratic Republic of the Congo and the Human Rights

* Non-member State of the Human Rights Council.

[1] A/HRC/30/32.

[2] A/HRC/30/33.

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Division of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo in improving the human rights situation in the country,

Taking note of the conclusion in the report of the High Commissioner that most technical assistance interventions have concentrated on the east of the Democratic Republic of the Congo and have generally been short-term, which has not helped to produce sustainable outcomes,[2]

Welcoming the significant progress made by the Democratic Republic of the Congo with regard to institutional and legislative developments relating to human rights, including the creation of the Human Rights Defenders Protection Unit, the appointment of the members of the National Human Rights Commission and the adoption of the Institutional Act giving courts of appeal jurisdiction over war crimes and crimes against humanity,

Encouraging the efforts of the Democratic Republic of the Congo to combat impunity, protect civilians and raise awareness among victims of sexual violence of their need for justice and assistance, by, inter alia, the establishment by the Office of the personal representative of the Head of State tasked with combating sexual violence and the recruitment of child soldiers of a helpline at the call centre for victims of sexual violence, which has helped to combat impunity for crimes under international law and sexual and gender-based violence,

Welcoming the inauguration on 30 March 2015 of the national commission tasked with combating sexual violence within the armed forces of the Democratic Republic of the Congo and the promulgation by the President of the Republic in August 2015 of the Act on gender equality in the Democratic Republic of the Congo,

Expressing its deep concern at the scale of the violence and serious crimes that continue to be committed against civilian populations by armed groups in the east of the Democratic Republic of the Congo,

Taking note of the opening of the strategic dialogue between the Government of the Democratic Republic of the Congo and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo,

Welcoming the holding from 27 April to 2 May 2015 of the forum on justice and human rights in the Democratic Republic of the Congo, the implementation of the recommendations of which is expected to improve the justice sector and the protection of human rights,

Welcoming the efforts made by the Democratic Republic of the Congo to implement its commitments under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, signed in Addis Ababa on 24 February 2013,

Considering the determination of the Government of the Democratic Republic of the Congo to protect and promote human rights,

1. *Welcomes* the active participation of the Government of the Democratic Republic of the Congo at the thirtieth session of the Council in the interactive dialogue on the impact of technical assistance;

2. *Encourages* the Government of the Democratic Republic of the Congo to continue implementing the recommendations that it accepted during the second cycle of the universal periodic review and the reforms undertaken to improve the human rights situation, including the reform of the army, the national police and other security forces, the strengthening of the judiciary, the fight against impunity and the facilitation of access to justice for victims;

3. *Also encourages* the Government of the Democratic Republic of the Congo to continue its cooperation with the Office of the High Commissioner and the thematic mandate holders of the Human Rights Council;

4. *Takes note* of the report of the High Commissioner on the impact of technical assistance and capacity-building on the human rights situation in the Democratic Republic of the Congo between 2008 and 2014 and urges the Government of the Democratic Republic of the Congo, the United Nations Joint Human Rights Office, the United Nations Country Team and the partner countries and organizations to put into effect the recommendations contained in that report;

5. *Welcomes* the appointment, under Presidential Order No. 15/021 of 31 March 2015, of the Special Adviser to the Head of State on good governance and the fight against corruption, money laundering and the financing of terrorism and welcomes the action taken to date to gather evidence and initiate criminal proceedings;

6. *Condemns* unequivocally the wave of violence in the east of the country and all the armed groups perpetrating it;

7. *Congratulates* the Democratic Republic of the Congo on the establishment of the National Human Rights Commission, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and calls upon the Government to continue its efforts to ensure that it is fully operational, including through the allocation of appropriate financial and logistical capacity;

8. *Urges* the Government of the Democratic Republic of the Congo to continue its efforts, with the support of the international community, to put an end to impunity, primarily for perpetrators of sexual violence, and to all human rights violations and also urges it to bring the perpetrators to justice and to ensure that the victims receive compensation; in that connection, it welcomes the commencement of payment by the Government of compensation to the victims of sexual violence in the Songo Mboyo case;

9. *Takes note* of the publication by the Independent National Electoral Commission of the comprehensive electoral calendar and the promulgation by the President of the Republic on 25 August 2015 of Act No. 15/016 on the distribution of seats for municipal and local elections and urges the Government of the Democratic Republic of the Congo to ensure the transparency and credibility of the electoral process and to create the necessary conditions for the electoral process to be free, fair, credible, peaceful and transparent, in accordance with the international commitments of the Democratic Republic of the Congo;

10. *Encourages* the Government of the Democratic Republic of the Congo to continue its efforts to provide for an expansion of political space in the context of elections, while ensuring respect for human rights and fundamental freedoms, including the freedoms of expression, of association and of peaceful assembly;

11. *Also encourages* the Government of the Democratic Republic of the Congo to continue its efforts to provide for punishment in confirmed cases of extrajudicial execution and arbitrary detention;

12. *Emphasizes* the importance of ensuring a fair trial for persons involved in criminal proceedings;

13. *Encourages* the Government of the Democratic Republic of the Congo to maintain the momentum of the efforts made to reform the army, the police and the security services;

14. *Welcomes* the establishment and functioning of the Constitutional Court and encourages the Democratic Republic of the Congo to continue with the introduction and establishment of other courts in the context of the reform of the judicial system;

15. *Encourages* the Government of the Democratic Republic of the Congo to provide greater protection for all political actors, civil society, journalists and human rights defenders during elections and to ensure respect for all human rights;

16. *Welcomes* the vote by the National Assembly on the draft legislation on the implementation of the Rome Statute of the International Criminal Court, ratified by the Democratic Republic of the Congo in 2002;

17. *Congratulates* the Government of the Democratic Republic of the Congo on the arrest and conviction for war crimes and crimes against humanity of senior officers of the defence and security forces and the tracking down of armed groups and the arrest of leaders of those groups;

18. *Also congratulates* the Government of the Democratic Republic of the Congo on the establishment and functioning of the steering committee of the human rights liaison entity and the appointment of new members of the Committee of Experts and the technical secretariat and calls upon the Government to continue its efforts to reactivate the entity and to take appropriate measures to ensure the harmonious operation of all institutions responsible for implementing human rights;

19. *Invites* the international community, in the context of full acceptance by the Congolese State, to improve the involvement of national authorities and beneficiaries in the design, implementation, monitoring and evaluation of projects aimed at the promotion and protection of human rights in the interests of ensuring that they have a greater impact at the central, provincial and local levels, with particular reference to the priorities for the justice and human rights sectors set out in the recommendations of the forum held in April 2015;

20. *Calls upon* the international community to give priority to structural, long-term activities throughout the territory of the Democratic Republic of the Congo in order to optimize the long-term impact of technical assistance programmes;

21. *Invites* the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo to continue its constructive discussions within the framework of the strategic dialogue on the implementation of the United Nations human rights due diligence policy;

22. *Calls upon* the international community to support the Office of the United Nations High Commissioner for Human Rights in its efforts to increase and strengthen its technical assistance programmes and activities aimed at improving the human rights situation in the country, invites the High Commissioner to report to the Council at its thirty-third session on the human rights situation in the Democratic Republic of the Congo, ensuring the involvement of the National Human Rights Commission in the preparation of the report, and calls for an interactive dialogue to be held on the basis of the report, including a discussion on strengthening the role of women in the electoral process;

23. *Decides* to remain seized of the matter until its thirty-third session.